

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri Modem Srinivasa Rao S/o Koriveeraiah R/o Ganugapadu(V) Chandrugonda (M) Erstwhile Khammam District now Bhadradi Kothagudem District against the orders of Agent to the Government and District Collector, Khammam District in CMA No, 29/98 dated 5.12.2000 in respect of land measuring Ac 4-00 gts. in Sy.No 131 situated at Ganugapadu(V) Chandrugonda (M) Khammam district- Dismissed – Orders - Issued.

TRIBAL WELFARE(LTR)DEPARTMENT

G.O.Ms.No. 27

Dated: 17-05-2017,
Read the following:-

- 1) Revision Petition filed by Sri Modem Srinivasa Rao S/o Koriveeraiah R/o Ganugapadu(V) Chandrugonda (M) Khammam District dt 02.07.2005.
- 2) Govt.Memo.No.5971/LTR.2/2005, dated 16.07.2005
- 3) From the Agent to Government, Khammam, Lr.No.F2-CMA/29/98 Dated 28.04.2006.

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ORDER:

In the reference 1st read above, Sri Modem Srinivasa Rao S/o Koriveeraiah R/o Ganugapadu(V) Chandrugonda (M) Khammam District (now Bhadradi Kothagudem District) filed Revision Petition before the Government aggrieved by the orders of the Agent to Government & District Collector, Khammam in CMA No, 29/98 dated 5.12.2000 in respect of land measuring Ac. 4-00 gts in Sy.No 131 situated at Ganugapadu(V) Chandrugonda (M) Erstwhile Khammam district now Bhadradi Kothagudem District.

2. In the reference 2nd read above, the Agent to Government and District Collector, Khammam District was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Agent to Government and District Collector, Khammam District has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

The Revision Petition main grounds are as under:-

- The petitioner herein is in continuous possession and enjoyment of the suit schedule land since several years and invested huge amounts for development of the said land and the sale transaction took place prior to the introduction / enactment of the Act and the same is not hit by any regulation as such there is no violation of any LTR provisions.
- Even the initiation of such proceedings after lapse of many years is illegal and arbitrary one and same is not sustainable. The petitioner has produced sufficient documentary evidence to show the bonafide possession and enjoyment of the suit land and the petitioner herein also produced the sale agreement and also the revenue receipts to show the bonafide possession. Further no tribal interest was involved and the transaction is in between and non- tribal to non- tribal.
- The petitioner is a small farmer and possessing small extent of land which is only source of livelihood.

4 The remarks of the Agent to Government, Khammam on the revision petition are as under:

- A LTR case was initiated by the Special Deputy Collector,(TW), Palvanha, on the report of the SDC(TW), Palvanha, between Sri Rangiseti Chalamaiah and M.Srinivasa Rao who is the Revision Petitioner herein. After observing all the formalities under the provisions of LTR the Special Deputy Collector,(TW) Palvanha has passed orders in LTR case No. 604/96/CHG, dated 13.11.1997 for ejectment of the respondent or whoever in possession of the immovable property of the suit schedule land, under sub-section 2(a) of the section(3) of Regulation of 1959, and directed the MRO, Chandrugonda to take possession of the land under cover Panchanama and assign the same to the eligible tribals as per rules in force, as it was held proved that the transfer of the suit land belonging to the Non Tribe was made to another non tribal in contravention of the sub-section(1) of section(3) as laid down in the APSA Land Transfer Regulation Act 1 of 1959 read with amended

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Regulation 1 of 1970, after commencement of the said Regulation and as such vide in LTR Case No 604/961CHG dt 13.11.1997.

- Aggrieved by the said orders the Revision Petitioner filed an appeal before the Agent to Govt., Khammam. The appeal has been taken on file and numbered as CMA No. 29/98. After observing the matter under LTR the Agent to Govt., Khammam up held the Lower Court Orders and dismissed the appeal in CMA No. 29/1998, dated 16.12.2000.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Agent to Government it is observed that;

- The R.P. was filed by Sri Modem Srinivasa Rao S/o Koriveeraiah R/o Ganugapadu(V) Chandrugonda (M) Khammam District aggrieved by the orders of the Agent to Govt., Khammam in CMA No. 29/1998, dt. 5.12.2000.
- Initially he has not filed appeal before the authority which is statutory.
- The Revision Petitioner approached Hon'ble H.C. of A.P. and filed W.P.No. 5648/2001, challenging the orders of the Agent to Govt., Khammam and the same was disposed on 01.03.2002. As per the directions of the High Court, he filed R.P. before this authority on 02.07.2005 which was time barred. Even he has not obeyed the orders of the Hon'ble High Court in filing the appeal in time.
- The Revision Petitioner's main plea is that his father purchased the land to an extent of Ac. 4-00 in Sy.Nos. 131 out of Ac. 13-11 gts in Ganugapadu(V), Chandrugonda (MI) through a sada sale deed dated 20.04.1968 and that he has been in continuous position from that date and hence the transfer is not hit by Act 1 of 59 read with Act 1 of 70.
- The claimed sale deed is on plain paper. It is only an agreement concluded on white paper. Hence, it cannot be treated as valid sale agreement/sale deed. Further the name of Sri Koriveerabhadraiah, father of the Revision Petition is entered in Pahani records from 1968-69 to 1973-74 only as possessor of the land, whereas Sri Rangisetty Chalamaiah cannot confer any rights as Pattedar of the land. Further, the Agent to Govt. has also observed in his order dated 05.12.2000 that the entries in Pahani were also in different ink is occupant's column. Further, the sale transaction claimed is also from a non-tribe to another non-tribe. In case he has purchased the land in question which is located in Scheduled Area before the implementation of the Act, he should have legally got it registered in his name and got ownership right on the land. Hence the claim of the Revision Petitioner is not accepted.

6. Government after careful examination of the matter hereby dismiss the Revision Petition filed by Sri Modem Srinivasa Rao S/o Koriveeraiah R/o Ganugapadu(V) Chandrugonda (M) Khammam District (now Bhadradi Kothagudem District) and uphold the orders of the Agent to Government, Khammam dt:05.12.2000 in CMA.No.29/1998.

7. The Agent to Government and the District Collector, Bhadradi Kothagudem District shall take necessary further action for ejectment accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

- 1) Sri Modem Srinivasa Rao S/o Koriveeraiah R/o Ganugapadu(V) Chandrugonda (M) Erstwhile Khammam District now Bhadradi Kothagudem District.
- 2) The Agent to Government and the District Collector, Bhadradi Kothagudem, (Erstwhile Khammam District), Kothagudem (with original records)

Copy to :

Legal Heir of Late Sri_Rangisetthi Chalamaiah S/o Ramaiah ,
R/o Ganugapadu Village, Chandrugonda Mandal, Bhadradi Kothagudem District.
Sri K.Vinaya Kumar & T.L.K.Sharma, Advocates, 1-3-183/40/68/C/2, Gandhinagar,
SBI Colony, Near Playground No.2, Hyderabad - 500 080

The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District.

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The Spl. Deputy Collector(TW), Palvanha, Now Bhadradi Kothagudem District.
now Bhadradi Kothagudem District for information and necessary action.

The Tahsildar, Chandrugonda Mandal, Now Bhadradi Kothagudem District
for necessary action.

P.S to M(TW)/P.S. to Prl.Secretary(TW)
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER